

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEVIN CIPRIANI)	CASE NO. 1:08-cv-2665
)	
on behalf of himself)	JUDGE BOYKO
and all others similarly situated,)	
)	MAGISTRATE JUDGE VECCHIARELLI
Plaintiff,)	
)	<u>JOINT MOTION FOR APPROVAL</u>
vs.)	<u>OF SETTLEMENT AND</u>
)	<u>STIPULATION OF DISMISSAL</u>
CLEVELAND UNLIMITED, INC., et al.)	<u>WITH PREJUDICE</u>
)	
Defendants.)	

Plaintiff Kevin Cipriani and Defendants Cleveland Unlimited, Inc. and Revol Wireless, move this Court to review the parties' Joint Stipulation of Settlement and Release (the "Settlement") and for an Order approving the Settlement as fair and reasonable. In support of this motion, the parties state:

1. Plaintiff's claims alleged unpaid wages and overtime compensation under the Fair Labor Standards Act , 29 U.S.C. §§ 201-219.
2. Defendants contend that Plaintiff was not entitled to the claimed wages and overtime compensation.
3. Plaintiff and Defendants each are represented by their respective counsel.
4. In an effort to reach a compromise and to avoid the expense and burden of litigation, the parties have reached a settlement of all claims asserted in the pending action, as well as any and all applicable federal and state wage-and-hour claims, including attorneys' fees and expenses, for the period of March 1, 2007 to the date of Court approval of the Settlement. The terms are embodied in the Settlement, attached as Exhibit 1.

5. Plaintiff's counsel certifies that the proposed Settlement is in the best interests of Plaintiff and the Opt-In Party Plaintiffs. *See* Exhibit 2.

6. The proposed Settlement is contingent upon the Court's review and approval of it and issuance of an Order approving the Settlement as fair and reasonable.

7. The parties, pursuant to Fed. R. Civ. P. 41(a)(1)(ii) and based upon the attached Settlement, hereby stipulate to the dismissal of this case with prejudice. Except as otherwise provided in the Settlement, the parties agree to bear their own attorneys' fees and costs. The parties request that the Court retain jurisdiction to enforce the terms of the Settlement.

WHEREFORE, the parties request that the Court review the Settlement and issue an Order (*see* Exhibit 3) approving it as fair and reasonable, and that this case be stipulated dismissed with prejudice.

Date: July 13, 2009

Respectfully submitted,

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